the strict letter of the law, and that if he has erred in that way only it is no serious offense. But that is not the case. In one instance a name is misspelled on a few votes, and they are not counted for the person for whom they are intended, for that would elect a Republication of the counter of the counter of the counter of the counter of the case o are intended, for that would elect a republican. His competitor's name is also misspelled on a few votes, and if they, too, were rejected the Republican would still be elected. So the votes for the Democratic candidate are counted, and those for the Republican pronounced "fatally defective." So it is no technicality in this case, but a sneaking fraud. In another case, the town of Webster—the certificate of case—the town of Webster—the certificate of the selectmen was rejected for the alleged reathe selectmen was rejected for the alleged reason that the three names were all signed by one person. But the three selectmen have since made affidavit that they all signed it. What then, was the technical objection? In another case, that of Cherryfield, the pretended reason for throwing out the returns is that one of the selectmen was an alien. How did the Governor know that? Certainly it did not appear on the face of the returns. Technically they were all right, and legally they were also right, for the law is that the acts of a de facto officer are valid when they concern the public or the rights of third persons. So in several other cases where the Governor and Conneil refuses to grant certificates to Republicans who had been elected, there was no pretence of even a technical defect in the returns. They had availed themseives of all the technical objections they could discover, and then cal objections they could discover, and then lacking several of a fusionist majority, they counted out, without even a technicality to show for it, enough Republicans to give them the desired majority. The pretense, therefore, of many Democratic papers that Gov. Garce-celon has complied with the letter of the law celon has complied with the letter of the law is deceptive and dishonest. His action is a part of a grand conspiracy conceived and planned by abler men than he, for purposes far more important than the Governorship of the State of Maine. Such a conspiracy had too many parties to it for it long to be kept concealed. Like the Ku Klux in the South, when they begin to tell upon each other there will be a scramble for precedence in exposing the infamous plot. The blanks sent out from the State Department were purposely prepared so as to mous plot. The blanks sent out from the State Department were purposely prepared so as to lead unsuspecting town officers to make technical mistakes. Who planned that fraud? Who advised the town officers, where the fusionists were in a majority, how to avoid all mistakes in their returns? Answers to all these questions will doubtless be given ere long, and if several of the chief conspirators do not find themselves behind prison bars within a few weeks or months, then there is no justice in the State of Maine.

P. P.

### The Steal.

What Ellis and Pendleton Think of It.

A correspondent of the Boston Traveller who has been interviewing prominent men in Washington on the Maine steal, asked Democratic Congressman Ellis what he thought of 'I have thought but little of the matter,'

replied Mr. Ellis. "I am unfamiliar with the constitution and laws of Maine, and have not seen the evidence upon which the Governor and Council have acted, and have, therefore, and Council have acted, and have, therefore, no matured opinion upon the question. Generally, I may say, however, that the belief exists in my mind that the Republicans carried the State and the Legislature by a decided vote of the people. Slight errors of returning officers the failure to comply with mere directory regulations and strained application of technicalities, should not be invoked to overthrow the popular will, which in republics is the supreme law. Election laws have for their object the true interpretation of the popular will. They never were intended to defeat and thwart it. If the State authorities have simp-If the State authorities have simpy and fairly obeyed an existing law in throwing out returns and changing results, they are right and should be sustained. If they have perverted the law, for partisan purposes have seized upon the mere failure of election officers to comply with directory statutes through care-lessness and ignorance, and have overthrown the will of the people in Maine, then they are wrong, wholly, outrageously wrong; and that wrong should be righted." Senator Pendleton, of Ohio, who has been a

Senator Pendleton, of Ohio, who has been a standing Western Presidential candidate on the Democratic side since 1868, while refusing to talk for publication on the subject, expressed the opinion privately that Gov. Garcelon had made a grand mistake.

"While he may be technically right," said Mr. Pendleton, "and even acting in obedience to the laws and constitution of Maine, his ction has resulted in the disfranchisement of a number of the citizens of that State. Neither the public sentiment of the State or that of the Union will sustain any officer in any such position. Union will sustain any officer in any such posi-tion. Policy alone should have dictated another course. This will react upon the Democratic party everywhere. It is a blunder.

Gone Over to the Majority. The necrology of the year 1879 embraces many well known and not a few distinguished names. All the leading departments of human effort All the leading departments of human effort have been called upon to mourn the loss of prominent workers. On the solemn roll are recorded the following: Clergymen: Bishops Ames, Methodist; Odenheimer, Episcopalian. Whittingham, Episcopalian; Rev. Dr. J. P. Thompson, Congregational; Rev. Dr. J. P. Buddington, Congregational; Rev. John Cotton Smith, Rev. Dr. DeKovan, Episcopalian. Literary men: John B. Scribner, publisher; R. H. Dana, poet; Elihu Burrett, "the learned blacksmith;" Dr. George Wood and Freeman Burnsteed, medical writers: Sarah J. Hale, Jacob Abbott, Henry C. Carey, political economist: Hepworth Dixon. Artists: William M. Hunt, W. H. Powell, Thomas Couture and Violet Le Due, architect. Actors: Charles Fechter. Journalists: John Delane, Morton McMichael and George Bull. Statesmen and politicians: Espartero, Congressman Schleicher, Shere Ali, John A. Dix, Isaac Butt, expresident Stæmfli, William Lloyd Garrison, Prince Louis Napoleon, Senator James Snields, Senator Zach. Chandler, Sir Rowland Hill, Lord Lawrence, formerly Governor-General of India, ex-Governor William Allen, of Ohio. The Army and Navy: General T. W. Sherman, Dick Taylor, Alfred Sully, Joseph Hooker, Jeff. C. Davis, Rear-Admirals Parrot and Kilty. Business Men: Daniel Drew, Judge Asa Packer, Baron Lionel De Rothschild, Alexander Stuart, Albert Weber. Other and unclassified deaths are: Madame Bonaparte, ex-Judge George D. Barnard, Dr. Lindermann, Sir W. E. Cooke. have been called upon to mourn the loss of

## NEW YORK.

The Failure of the Grocers' Bank. The Failure of the Grocers' Bank.

New York, Jan. 3.—Great excitement still continues among the creditors and depositors of the broken Grocers' Bank. Stephen V. White, receiver, and his counsel have been present since early in the morning endeavoring to collect together the assets. Mr. White said he had already deposited \$120,000, and that the remaining assets more that covered the claims of creditors and depositors. The only losers will be the stockholders. He believed the bank was suffering largely from forged paper in connection with J. Lloyd Hoigh's indebtedness.

Arrest of a Merchant on a Serious Charge Detective Sampson of the United States Sub-Treasury to-day arrested Edwin R. Kirk, an old New York merchant, who is charged with having in his possession a \$5000 registered United States bond of the 5-20 issue which, as alleged, was stolen from the executor's estate of the late P. K. Richards of Philadelphia. He was taken before United States Commissioner Shields, who held him in \$2000 bail for ex-Shields, who held him in \$2000 ball for ex-remination. Mr. Kirk says he took the note as security for the payment of two notes, and did not know it was stolen. He promised to pro-duce the man from whom he got the bond. The name of Richards has been erased from the bond and that of Charles K. Gilbertson inserted. The latter is believed to be a myth, as the police cannot find any person of that

The Speakership of the Assembly. ALBANY, Jan. 4.—It is understood to-night that Gen. Sharpe of Ulster has the field for speakership of the Assembly entirely to him-self and that he will be nominated in caucus to-morrow evening on the first ballot.

MINOR TELEGRAMS. The President has recognized Ebenezer D. Bassett as consul of Hayti at New York.
The son of Albert Dunker, of Stradford, Vt., was accidentally shot and killed while fooling with a pistol Saturday.

with a pistol Saturday.

The ten Afghans reported sentenced to death were hanged on the 30th ult. One was recognized as the murderer, in Cabul, of Mr. Jenkyns, secretary of Major Cavagnari.

Disturbances of a serious character have occurred recently at Rio De Janeiro, growing out of the levying of new taxes. Order however has been restored and measures taken to prevent further trouble.

The Havana Gazette publishes a circular addressed to all governors of provinces in the

dressed to all governors of provinces in the island, declaring primary instruction obligatory for all children between six and ten years.

ats not complying with the order will be Fred Keeley, boo'tkeeper of the Mt. Holly
National Bank of New York, confesses that he
has embezzled several thousand dollars.
Steamer Silesia, from Hamburg for New
York, has passed the Lizard on the way to Plymouth, having damaged her rudder.

If not removed from the undertaker's today the remains of Count Johannes will be buried

The Shoemakers' Protective Union of New York have resolved to demand an increase of The United States Consul at Mauritius, under date of Nov. 10, reports that the cattle plague continues on that island. About 20,000 animals have died. It recently attacked deer, and 243 have died.

Bank Directors Indicted. Bank Directors Indicted.

New Orleans, Jan. 3.—E. W. Huntington and Thos. Passam, Directors of the late citizens' Savings Bank, have been indicted by the grand jury for felonious and willful concealment of facts relative to the condition of the bank in subscribing to and transmitting to the State Treasurer for official publication a false, fraudulent statement of the condition of the bank at the close of business, June 29, 1879, with intent to deceive and defraud the public. They were bailed in \$20,000 each. Hunting-They were bailed in \$20,000 each. Huntington was also attorney of the bank.

INDICATIONS FOR THE NEXT TWENTY-FOUR

For New England. Cooler northerly to westerly winds, rising barometer and clear weather, possibly preceded by occasional rain or snow.

THE WILL OF THE PEOPLE

TO BE RESPECTED

And Not to be Defeated by Quibbles.

THE COUNCIL DEFEATED ON EVERY DISPUTED POINT.

The Court's Opinion Unanimous.

BANGOR, Jan. 3 .- The following is the full official text of the unanimous opinion of the Supreme Judicial Court, finished and signed this afternoon, in answer to the questions submitted by the Governor:

Maine:
The undersigned, Justices of the Supreme
Judicial Court, have the honor to submit the following answers to questions proposed:
Q.—When the Governor and Council decide
that there is no return from a city on which

Q.—When the Governor and Council decide that there is no return from a city on which Representatives can be summoned to attend and take their seats in the Legislature, is it their duty to order a new election, or is it competent for the house of Representatives, if it shall appear that there was an election of such Representatives, to admit them to seats, though no return thereof was made and delivered to the office of the Secretary of State?

A—No authority is given the Governor and Council, when there is no return, to order a new election. When the seat of a Representative has been vacated by death, resignation or otherwise, provision is made by R. S., chap. 4, sec. 38, 44 and 47, for the filling of existing vacancies. By these provisions, whenever the municipal officers therein mentioned have knowledge by any means of the death of a Representative-elect, or of a vacancy caused in any other way, it is their duty to order a new election. If it appears to the House of Representatives in fact, they should admit them to their seats, though no return thereof be made to the Secretary of State. The Representative is not to be deprived of his rights because municipal officers have neglected their duty.

O.—Is it competent for the Governor and

Council to allow the substitution of other evidence in place of the returned copies of such lists as are provided for in article 4, part 1, section 5, of the Constitution, to enable them to determine what persons appear to be elected Representatives to the Legislature by a plurality of all the votes returned? A—This refers to the substitution authorized by the act of 1877, chap. 212. The Constitu-tion calls for a return that is regular in essen-

elected, where it appears by the official return to the constitutional requirement is directory, merely. It does not aim at depriving the people of their right of suffrage, or their right of representation, for formal errors. Where the Constitutional requirement has not been fully, or has been defectively executed by town officers, it is in aid of the Constitutional provision to supply the emission or deficiency as nearly and as correctly as may be. Such is the purpose of the statute. It is competent for the Governor and Council to allow an erroneous return, or and council to the officers of the town that such vote was about the same as in ordinary years, when of the observation of the Governor and council for decision?

A.—The presiding officers are to determine the and council for decision?

A.—The presiding officers are to determine the and council for decision?

A.—The presiding officers are to determine correctly as may be. Such is the purpose of the statute. It is competent for the Governor and Council to allow an erroneous return, or one that is informal or defective, to be aided and corrected by an attested copy of the record, as by statute provided. The object of the Constitional provisions respecting elections is to furnish as many safeguards as may be against a failure, either through fraud or mistake, correctly to ascertain and declare the will of the people as expressed in the choice of their officers and legislators. Hence the requirement that not only shall the returns be made on the spot in open town meeting, but a record of the vote shall be made at the same time and authenticated in like manner. If, by accident or wilful neglest, there is an error or omission in the return, what can be safer than to refer to the duplicate statement by the record to correct it? This the statutes of 1877, chap. 212, allows to be done, and while the language is permissive, it falls within the well-known legal rule that, when public rights are concerned, it shall be construed as mandatory—a command clothed in the language of courtesy, so clothed because it could not be doubted that high and honorable officials would, unhesitatingly, avail themselves of all lawful means to declare the result of an election, according to the actual fact, in obedience to the fundamental principles of popular government. The Governor and Council are bound by the statute. It is mandatory upon them. It imposes a duty to the public that must be ernment. The Governor and Council are bound by the statute. It is mandatory upon them. It imposes a duty to the public that must be performed. Whether the act referred to contravenes the Constitution in allowing oral evidence to be received, to show the intention of voters in casting their ballots, is another part of the statute, which we are not now called upon to consider. If unconstitutional in the latter respect, that would not affect the constitutionality of the other separate and independent provision.

know, and they have no right to assume, that the return is not valid. It is the duty of the aldermen to be session and examine the ward returns, compare and declare the votes, and of the clerk to make a record thereof. From that record, a certified copy of which is returned, the law presumes that a quorum of the aldermen were present. The law with respect to quorums and majorities is correctly stated in 5 Dane's abridgment, 150, and 1 Dillon's Municipal Corporations, sec. 216 and 217. In the latter work it is said that bodies composed of a definite number act by majorities of those present, provided those present constitute a majority of the whole number; or, to use Mr. Dane's illustration: "If the body consists of twelve councilmen, seven is the least number that can constitute a valid legal meeting, though four of the seven may act;" and, so far as we are aware, the law is so stated, in substance, by all ancient and modern authorities. The rule applicable to such cases is similar to that which applies to our House of Representatives, established by law, is 151. A majority (that is 76 members) constitutes a quorum to do business. If there is actually that number present, and a majority of them (that is 30 members) vote in the affirmative. a valid number present, and a majority of them (that is, 39 members) vote in the affirmative, a valid law can thereby be enacted, or other business transacted. If less than 76 members are present, then no business can be done, except to adjourn or compel the attendance of absent members. This is familiar law and illustrates are present, the property of the state of the second control of the second con the principle applicable to the aldermen of cities, and shows how and why a return signed

by less than a majority of the whole number may be, and, so far as the Governor and Coun-cil are concerned, is conclusively presumed to be valid. They have no right to go behind the immaterial whether the aldermen returned to the Governor and Council the detailed vote of each ward separately, or whether they returned the result of all the votes of all the wards for each candidate together. Either mode is a satisfactory way of reaching the same result. Substance only is sought for in such matters. Nor is it a material matter that, instead of returning all the names of persons voted for, there is a return of votes as scattering, provided that, however such votes may be added or subtracted, some candidate or set of candidates appear to be chosen by a plurality of the votes thrown. The Governor and Council cannot officially know, nor have they the right to ascertain, that the votes returned as scattering were not actual ballots with the word scattering written thereon. Nor is the election of candidates to be chosen by a plurality of votes to be defeated, because the whole number of votes or ballots may be stated erroneously, or not stated at all. The Constitution contains no such requirements, and the statutory provision requiring it is entirely unimportant and inapplicable to cases where a plurality of votes elects. It is a well settled rule of con-

struction, that, where the general terms of a tatute embrace several subjects, but are found o be practically applicable to some of the sub-ects and not to others, it is to be construed as embracing those subjects only to which it is practicably applicable. Q .- Are returns from towns or cities which

are not attested by the town or city clerk valid within the same section?

A.—Returns from towns and cities which A.—Returns from towns and cities which are not attested by the town, plantation or city clerk, are not valid. The attestation of the clerk is a prerequisite to any action of the Governor and Council in counting votes. (68 Maine, 588.) If, however, the clerk should be absent, a clerk pro tempore may be chosen, or deputy clerk may be appointed, under the statute of 1872, C. 17, and the amendments thereof by the act of 1874, C. 159. The returns of such clerk pro tempore, or deputy clerk, are to have the same force and effect as if signed by the clerk.

Q.—Have the Governor and Council a right

Q.—Have the Governor and Council a right the Legislature, required by the same section, from the officers of towns, which were not made, signed and sealed up in open town meeting?

A—The Governor and Council must act up-on the returns forwarded to the Secretary of State. If they purport to be made, signed and sealed up in open plantation or town meeting, they constitute the basis of the action of the they constitute the basis of the action of the canvassing board. No provision is found in the constitution, or in any statute of this State, by virtue of which they would be authorized to receive evidence to negative the facts therein set forth. They, therefore, have no such power. The statement of municipal officers is, in that

respect, conclusive.

Q.—Is the return of two persons purporting to be the selectmen of a town, valid and sufficient evidence of the vote of the town, when it appears that there were at the time of the meeting at which the election was had but two selectmen of that town?

meeting at which the election was had but two selectmen of that town?

A—When a majority of the selectmen are absent from a meeting for election purposes, or, being present, neglect or refuse to act as such, and to do all the duties required of them, the voters at such meeting may choose so many selectmen pro tempore as are necessary to complete the number competent to do the duties. R. S., chap. 4, sec. 20. In case of death or the remoayl of all the selectmen, two would be sufficient and competent to act. The inquiry is, if the return would be valid when there should be but two selectmen "at the time of the meeting at which the election was had." If the other selectman had deceased prior to the meeting, the supervisors might act, and their action would be legal. But the canvassing board are to be governed by the returns. Evidence would not be admissible to prove the fact that there were but two selectmen of the town. The Governor and Council cannot officially know that there are only two. town. The Governor and Council cannot cally know that there are only two.
Q.—Can a person who is not a citizen of the United States at the time be legally elected or

Constituted a Selectman of the town?

A—A person not a citizen may be elected or constituted a selectman so that his official acts bind the town and are valid. So far as it affects the public, such an one would be an officer de facto, and clothed with apparent right; his acts would bind the town. (Dane vs. Derby, the factor of the factor is one who his acts would bind the town. (Dane vs. Derby, 54 Maine, 952), "An officer de facto is one who comes into office by the color of a legal appointment or election; his acts in that capacity are as valid, so far as the public is concerned, as the acts of an officer de jure; his title cannot be inquired into collaterally." (The People vs. Cook—4 Selden, 89.) "The precise definition of the problem of the problem." vs. Cook—4 Selden, 89.) "The precise definition of an officer de facto," observes Bigelow, C. J., in Fitchburg Railroad vs. Grand Junction and Depot Company (1 Allen, 557), "is one who comes in by the forms of law, and acts under a commission or election apparently valid, but in consequence of some illegality in capacity or want of qualification is incanable of ity or want of qualification, is incapable of holding the office." Indeed, there is an entire unanimity of opinion on this subject in all the unanimity of opinion on this subject in all the States of the Union where this question has arisen, as well as in the courts of the United States. But the fact of alienage is not allowed to be proved. This was determined in the Frenchville case (64 Majne, 589), where it was shown that the clerk was an alien, who could neither read nor write the English language, and where almost inconceivable irregularities existed; yet evidence outside of the returns was held to be inadmissible, nor would such fact have any effect if it appeared in and by the re-

Q.—If a ballot has a distinguishing mark in the judgment of the Governor and Council such as would make it illegal under the statute have they authority to disregard it in their ascertainment of what persons appear to be elected, where it appears by the official return of the officers of the town that such vote was received by the Selectmen, subject to the objection, and its legality referred to the Government of Council for decision?

have any effect if it appeared in and by the re-

The statute prohibits the rejection of the ballot "after it is received into the ballot ballot "after it is received into the ballot-bex." It is then to be counted. The Governor and Council have nothing to do with the question; their duty, is to count the votes, re-gardless of the fact improperly set forth in the returns; they are nowhere constituted a tribunal with judicial authority to determine what shall constitute a distinguishing mark or what shall constitute a distinguishing mark of figure, nor can they legally refuse "to open and count the votes returned"—(54 Maine, 602.) When the ballot has once been received in the ballot-box, neither the selectmen nor the Governor and Council can refuse to count

Q .- If the names of any persons appear in the Q.—If the names of any persons appear in the return without any number of votes being stated or carried out against them, either in words or figures, is it the duty of the Governor and Council to treat those persons as having the same number of votes as another person received for the same office, and whose name is placed first in the return, if they find dots under the figures or words set against such other person's name?

er person's name?

A.—If the ditto marks or dots are placed un A.—If the ditto marks or dots are placed under the figures or words of the first candidate's vote, the return should be counted. Where it appears by the letters or figures in the first line, and by ditto marks or by dots in the following lines, that the same class of candidates received the same vote, there can be no ground for rejection. The word "ditto" and its abbreviation "do," and the dots or marks that stand for the word "ditto," are of common use and have a perfectly well-defined meaning known to persons generally; that meaning, should not be disregarded. We answer the question in the affirmative.

question in the affirmative.

Q—Have the Governor and Council the legal right to decide what kind of evidence they will receive, and what the mode of proceeding, before them shall be, to enable them to determine the genuineness of returns required by the article and section of the constitution there mentioned? estion in the affirmative.

above mentioned?

A.—We assume that the "genuineness of the return" referred to relates either to the A.—We assume that the "genuineness of the return" referred to relates either to the signature of the officers signing, or to alterations of the return. The Governor and Council have no power to reject the returns on either ground, unless an objection in writing is presented to them, setting forth that the signatures of such officers (or some of them) are not genuine, or that the return has been altered after it was signed. Then notice thereof should be given to all persons interested, and, when adjudicating upon the facts, the Governor and Council should be governed in the admission of evidence by the established rules of evidence, in accordance with the law of this state. The witnesses should be duly sworn, that they may be punishable for the crime of perjury if they wilfully and corruptly testify falsely. The Governor and Council have no right to reject the returns for such cause without giving the parties interested therein a fair opportunity to be heard. The genuineness of the return in these particulars is to be presumed, and this presumption remains until overcome by evidence produced as before said.

Q.—If the Governor and Council have before them two lists of votes, returned from the same town, differing materially from each other in the number of votes returned as cast for the same persons, but identical in all other respects, both having been duly received at the Secretary's office, and they have no evidence to enable them to determine which is the true and genuine return, are they required to treat either of them as valid, and if so, which?

A.—When two lists of votes are returned to the office of the Secretary of State by the clerk

A .- When two lists of votes are returned to A.—When two lists of votes are returned to the office of the Secretary of State by the clerk of any city, town or plantation, and both are duly certified, the return first received at the office of the Secretary must be the basis of the action of the Governor and Council. If defective, or not a true copy of the record, it can be corrected, or the defects supplied only in accordance with the provisions of the statute relating thereto. This government rests upon corrected, or the defects supplied only in accordance with the provisions of the statute relating thereto. This government rests upon the great constitutional axiom, that "all power is inherent in the people. It is a government of the people, by the people and for the people," and, if administered in the spirit of its founders, "it shall not perish from the earth." Its constitution was formed, to use the apt expression of one whose memory is embalmed in the hearts of his countrymen, "by plain people," and "plain people" must administer it. The ballot is the pride as well as the protection of all. It is the truest indication of the popular will. The official returns required from the municipal officers of the several plantations, towns and cities are, and will be, made by "plain people," and made, too, in the hurry, and bustle, and excitement of an election. They are not required to be written with the scrupulous nicety of a writing master, or with the technical accuracy of a plea in abatement. The sentences may be ungrammatical, the spelling may deviate from the recognized standards, but returns are not to be set at naught because the penmanship may be poor, the language ungrammatical or the spelling erroneous. It is enough if the returns can be understood, and, if understood, full effect should be given to their natural and obvious meaning. They are not to be strangled by idle technicalities, nor is their meaning to be distorted by carping and captious criticism. When that meaning is ascertained, there obvious meaning. They are not to be strangled by idle technicalities, nor is their meaning to be distorted by carping and captious criticism. When that meaning is ascertained, there should be no hesitation in giving it full effect. The language of Mr. Justice Morton, in Strong, vs. Peter 20, Pick. 484, is peculiarly appropriate to the subjects under discussion. "What," he asks, "shall be the consequence of an omission by the selectmen or town clerk to perform any of these, their prescribed duties, and upon whom shall it fall? For a wilful neglect of duty the officers would undoubtedly be liable to punishment; but shall the whole town be disfranchised by reason of the fraud or negligence of their officers? This would be punishing the innocent for the fraud of the guilty. It would be more just and more consonant to the genius and spirit of our institutions to inflict severe penalties upon the misconduct, intentional or accidental, of the officers, but to receive the votes whenever they can be ascertained with reasonable certainty. If no return or any imperfect one can be received, let it be supplied or corrected by the original record, if any there be." The returns should be received with favor and construit with liberality, "for," he adds, "f

rily, must be, employed to make them, grea formality and nicety cannot be expected, and should not be required. The general principle which governs is that there should be a strict compliance with provisions of a statute, yet when they are merely directory, such strict compliance is not essential to the validity of proceedings under such statute, unless it is so declared to be therein. This is specially appli-cable when the rights of the public or of third persons are concerned. The dominant rule is to give such a construction to the offlicial acts of municipal officers as will best comport with the meaning and intention of the parties, as derived from a fair and honest interpretation of the language used, to sustain rather than to defeat the will of the people and disfranchise the citizens. JOHN APPLETON

## **PUBLIC OPINION.**

HOW THE OPINION OF THE COURT IS RECEIVED.

# Republicans Jubilant and **Fusionists Dismayed**

NOUNCING THE GOV-ERNOR.

Probable Collapse of the Conspiracy.

The Effect of the Decision on the Legislative Seats.

Augusta, Dec. 4.-The decision of the Supreme Court has been discussed freely by crowds upon the streets and at hotels and elsewhere. The Republicans are greatly excited and jubilant, and regard it as a consummate triumph for their cause. The opinion is freely expressed in the best informed circles that the opposition cannot stand up and defy the court -the interpreters of the law. When the decision was put into Gov. Garcelon's hands he remarked that he was greatly surprised. He is not at present in the city and his line of action is not therefore known, but it is the opinion of leading Republicans that he can do no less than cancel the certificates issued to persons not elected, and will favor the organization of the members elected-according to the decision of the court. The fusionists have no definite plan matured, but it will be difficult to develope any to-night as not more than twenty

tice of Morrill's letter. He had completed his work and that ought to have been the end of it. R. W. Black, a leading Greenbacker, says the court went out of its way to answer questions not put to it. Dr. Crooker says the court has become entirely partisan and has issued a regular Republican campaign document.

the 37 that this decision does not fully cover. Hon. Jas. R. Talbot of Washington, and Hon. Isaac T. Hobson of Lincoln, counted in Senators, have already stated that they would

Legal men say if the opinion of the court is disregarded it will be the first instance of the kind in the history of Maine. It has been ascertained that the Executive department, in more than fifty cases since Maine was a State, has asked the judgment of the Supreme Judicial Court on important questions of law and never in a single instance has it been disregarded.

Dr. Parker, member of the Governor's Council, defends his position in this matter and says Council could-review their action.

anderstood that B. L. Staples, clerk of the last House, will be absent on Wednesday, he having been elected Clerk of Courts in Aroostook County, and the House will be called to order by the assistant clerk, W. E. Gibbs. The result of the decision of the Court is as

The answer to question one (1) enjoins upon the House of Representatives the duty of admitting at once the twelve Republican Representatives from the five disfranchised cities in case the Governor and Council still refuse to certificate them, and establishes the validity of the special election in Portland caused by the death of Moses M. Butler.

The answer to question two affirms in all points, but one which it does not consider, the constitutionality of the law of 1877; shows that the Governor and Council acted illegally in unseating one Republican Senator in Lincoln

the Governor and Council acted illegally in unseating one Republican Senator in Lincoln County, and at least one in York County; also Republican Representatives in the seven following districts: Ashland, Newcastle, Exeter, Gouldsboro, Hodgdon, Danforth and Lebanon. The answer to question three also establishes the important point that the presence of at least 76 members in the House of Representatives—that is a [majority of the whole number, 151, prescribed by the Constitution—is necessary to constitute a querum. whole number, 151, prescribed by the Constitution—is necessary to constitute a quorum, and without that number no business can be transacted. The answer to question three also would seat the second Republican Senator in York County and the seven Republican Representatives from the disfranchised cities of Bath, Saco, Lewiston and Rockland.

The answer to question four would seat the five Republican Representatives from Portland, and together with the answer to question ten would restore the three Republican Senators from Cumberland county who were illegally counted out by the Governor and Council.

can Senator wrongfully counted out in Washington county.

The answer to question six would restore the disfranchised towns of Jay, Webster, Lisbon, Stoneham, Searsport and Farmington and seat five Republican Representatives from those districts, and together with the answer to questions eleven would seat the Republican Senator from Franklin county.

The answers to questions seven and eight demonstrate the utter illegality of the action of the Governor and Council in disfranchising Cherryfield and Hersey and would seat two Republican Representatives from those districts.

Skowhegan district.

The answer to question ten holds that the senatorial return from Westbrook was illegalthis morning. ly rejected and, if needed, would affect the senatorial election in Cumberland county. The answer to question eleven decides that the Governor and Council acted illegally in

ernor and Council deprived him. BANGOR, Jan. 4 .- The general scope of the opinion of the Supreme Court became almost universally known here to-day, and obtained printed versions of the

Republicans and those Democrats who have disfavored the counting out highly pleased with the desions of the court, which they regard as conclusive of the merits of the case, and as calling for the surrender of the counted in certificates. Fusionists have been correspondingly

depressed and have made little public comment on the opinion. Some of them say it will not affect the programme at Augusta, but the general feeling seems to be that such an authoritative statement of the law must have a strong effect upon all parties. Leading lawyers here say that it will not only be compeent for the Governor to issue new summens's o the persons really elected under the law as laid down by the court, but that it is the duty of any department thus to correct errors of improvidence at the earliest possible date. It is believed this view would be fully sustained by the Supreme Court.

#### NON-COMMITTAL.

Gov. Garcelon Don't Know What He Shall Do In Consequence of the Court's Opinion.

WATERVILLE, Jan. 4 -Governor Garcelon spent Sabbath in this town. He was called upon this evening by the agent of the Asso-ciated Press and informed that the opinion of Supreme Judges had been printed in full in the Portland Sunday Times. The reporter then asked the Governor if he had received the opinion of the court, to which he replied he had not; that he had not been in Augusta since 4 o'clock Saturday afternoon. The reporter informed him of the general points as expressed in the opinion of the court. He was asked if he should recall those certificates which he had issued and which now under the opinion of the court appear to have been illegally issued.

Answer-"I have no authority for knowing the opinion of the court and I cannot tell what

I shall de." Reporter-It is true that Capt. Lewis Voter of Farmington has returned to you his certificate of election and declined to serve under the same? Answer-"I have not received it and don't

know anything about it." Reporter-Do you apprehend any violence at the inauguration of the Legislature? Answer-"I have no means of knowing. I do not think the people of Maine are foolish enough to resort to violence.

#### ANOTHER HONEST MAN. The Farmington Counted In Member Re-

signs. FARMINGTON, Jan. 3.-Capt. Louis Voter, of Farmington, the counted in fusionist, declines to accept the stolen goods, and the following is a verbatim copy of his letter returning his cer-To His Excellency Alonzo Garcelon, Governor

of Maine: I beg leave to return herewith the certificate of my election as Representative to the Legislature in the Farmington and Perkins district, and I hereby resign that position.

To honorably serve in the capacity I must have received a plurality of the votes cast at the late election. This was not the fact, and the reason that was given for the disfranchisment of Fermington is not in my indement ment of Farmington is not in my judgment sufficient to justify my accepting of the posi-

In this matter the action of my fellow citi-In this matter says that the servent is zens must be my law.

Very respectfully your obedient servant,

Lewis Voter.

#### FUSION FALSEHOOD. No Bogus Certificates Issued.

DAMARISCOTTA, Jan. 4.-Edward K. Hall, the counted out Newcastle Representative, says the first he knew of Lincoln county members receiving bogus certificates was by the morning papers. The story is undoubtedly

[The story above referred to was circulated the Fusionists and was to the effect that certificates styled "People's Certificates" had been issued to the counted out members. Mr. Hall was mentioned as one who had received such a certificate. ]

## GARCELON'S LAST.

A Defence that He Can Never Make Again. WATERVILLE, Jan. 3 .- The town hall was filled to its utmost capacity at the "Law and Order" meeting held to-night. Gov. Garcelon, Councillors Brown and Moody were present. John Ware was chosen Pressdent. Speeches were made by Councillor Brown and Gov. Garcelon. The following is an abstract of the Governon's remarks:

Governon's remarks:

Fellow citizens:—After the exhausting statements which have been made regarding the matter which is brought before you this reallow cutzens:—After the exhausting statements which have been made regarding the matter which is brought before you this evening. I will only call your attention to a few points. I presume you are all lotal men, and propose to abide by the law and Constitution; that when you have elected men to office you expect them to obey, and if in the course of events that are of such character that there are differences of opinions, should we not stand by the Constitution and laws sanctioned by the Supreme Court and all able men? I stand before you the most abused man in the United States. I am not here to apologize or ask your pardon, but simply to call your attention to the Constitution and law, and if in any respect I or my Council have violated that law, you have your remedy. You say that majority rule is the central principle of our governmental system, but should not that majority be expressed in a legal and Constitutional manner? You are all aware that at the late election every effort was made on both sides to secure a majority, and that the fusion party had a majority of 2000 votes. I challenge any man, I do not care how ardent a Republican or rabid a Democrat, to take these returns, and, if there is any instance where we have not applied the same rule to friend or foe, then you can condemn us. I find tabulated returns where 64 towns have been rejected; 32 were Republican, 30 Democratic and 2 tie. Does this look like conspiracy? Does it look as if the rule had not been applied properly? Referring to the city of Lewiston the Governor said no one doubted the voice of the people, that he knew his own city was largely Republican, but it was a question of law with them. It does seem an outrage that those who appear to be elected were rejected, but there are the law and the Constitution on the other hand, which must be respected. But you, my friends, condemn us because we do not think it right to go and the Constitution on the other hand, which must be respected. But you, my friends, condemn us because we do not think it right to go behind the returns. I ask you to consider what would become of our Republican form of government if the men you choose to office should violate the laws and Constitution to suit their own partisan feelings. He then proceeded to criticise severely the Associated Press, which he charged with sending forth false statements. So great has been the excitement that I have

he charged with sending forth false statements. So great has been the excitement that I have called upon the Supreme Court to decide questions which have been decided for fitteen years, and, when that decision is rendered, I hope the people will be satisfied. The Governor closed by advising his hearers to examine the facts and look at the case calmly, and that they would find that the Governor and County of the court they would find that the Governor and Council were not such terrible men after all. Resolutions were then read ratifying and anctioning the course of the Governor and

Council, and the meeting adjourned. THE VOICE OF THE PULPIT.

The Views of Rev. Mr. Martin. WATERVILLE, Jan. 5.-Rev. Mr. Martin of the Methodist church delivered a sermon this evening on the legislative steal. He said we have lived under the spirit of the constitution of our state for fifty years, adjusting all its affairs without any trouble until at the present time when the so-called returning board, according to their idea of the letter of the constitution, have disfranchised five of our principal cities, allowing them no representation in the Legislature. He believed this to be wrong and that the wrong can be righted without revolution or bloodshed, and counselled the people instead of bullets to use ballots; instead of strong denunciation to use argumental prayer. He considered it a great outrage on the intelligence of the people of our state to be transporting arms from different parts of the state to the Capitol. He closed with an appeal to the people to practice not on policy

BANGOR, Jan. 4.-A union prayer meeting in behalf of the commonwealth in this hour of trouble was held at the Central Congregational church this evening and largely attended. Remarks were make and prayers offered by several clergymen and professors of the Theological Seminary.

but principle as a means to produce the desired

## MAINE.

WATERVILLE, Jan. 3 .- The dwelling house, furniture and three hundred dollars in cash owned by Mrs. Gurney, were destroyed by fire

Postmaster Appointed. WAHINGTON, Jan. 4.—Benj. F. Smith is appointed postmaster at Hampden Corner, Peobscot county, Me. Gen Grant in Florida.

FERNANDINA, Jan. 4.—Gen Grant and party arrived this morning from Savannah by steamer City of Bridgton. Crowds of people, white and black, lined the streets to welcome the and black, lined the streets to welcome the guests. To-morrow a public reception in the City Hall takes place and in the evening a grand ball will be given. The party leave here Tuesday for Jacksonville, and from there go up the St. Johns and Ocklawa rivers and thence to St. Augustine where they arrive on the 12th and remain a few day. Thermometer was 80 degrees in the shade. IRELAND'S DISTRESS.

Parnell and Dillon in New York. Parnell and Dillon in New York.

New York, Jan. 3.—Messrs. Parnell and Dillon received a delegation from Boston today at the Fifth Avenue Hotel. They also received the men of County Meath, who presented them an address. Mr. Parnell briefly replied, thanking those present for their kindness and consideration in welcoming him and his companion to this country, and he regarded it as extremely fitting that the exiles of Meath should take so deep an interest in the present great movement. Since his friends had alluded to the history of Meath he would allude for a moment to more recent politics in Meath. luded to the history of Meath he would allude for a moment to more recent politics in Meath. The place mentioned presented a remarkable spectacle among his Irish constituents for steadfastness; a fact that might be of interest to native born Americans who considered emigration a remedy for all sorts of evils. He would say, however, that Meath, though the richest county in Ireland, her residents had nevertheless been brought to a point of great suffering. In regard to the land system of Ireland and America, he pointed out the fact that the system here was entirely different from that at home. In Ireland monopolists had adopted a system of rents, while here the railway corporation system of sales was in vogue, but he would not undertake to point out expediency at present, or the right or wrong of large grants being made to railway vogue, but he would not undertake to point out expediency at present, or the right or wrong of large grants being made to railway corporations. After dwelling a little time on the consideration of the sufferings of the Irish people, Mr. Parnell said that he was proud to represent the County of Meath, and would do all in his power to retain the confidence of the people, which he flattered himself he now possessed.

John Boyle O'Reilly of Boston presented the address of the people from Meath today to Mr. Parnell.

Among chose invited to occupy seats on the

Among those invited to occupy seats on the Among chose invited to occupy; seats on the platform but few were present. Among these were Judges Gildersleeve and Alker, Thurlow Weed, Win. E. Robinson, Stephen J. Meaney and members of the committee of arrangements. A committee went to the Fifth Avenue Hotel and escorted Parnell and Dillon to the Garden. Immediately on their arrival a cheer was raised at the door which spread along the building like wildfire, the audience going frantic with excitement. Men shouted themselves hoarse, ladies flourished headkerchiefs, the band struck up Auld Lang handkerchiefs, the band struck up Auld Lang Syne, and it was some time before the excitesyne, and it was some time before the excrement subsided.
Seldom has such a large crowd of Irish
Americans gathered together as assembled tonight in Madison Square Garden to tender a
public welcome to Charles Stewart Parnell.
The crowd was a mixed one. There was a
sprinkling of the political element and many
ladies occupied seats in front of the balconies
and in the ellipse. It is estimated that from
6000 to 8000 people were present.

PAROCHIAL SCHOOLS. Catholics Commanded to Send Their Children to Them Under Pain of Refusal of Absolution.

of Absolution.

Louisville, Ky., Jan. 4.—Bishop McCloskey of this diocese, has issued a decree prescribing that as soon as possible parochial schools will be established everywhere. It ends as follaws:

Now it is our will and command that where there is a Catholic school in the parish parents and guardians in such places should send their children or wards under 9 years of age to such Catholic school, and we hereby direct that this Catholic school, and we hereby direct that this obligation be enforced under pain of refusal of absolution in the sacrament and penances.

The decree took effect Jan. 1, 1880. The edict causes much commotion in Louisville, as about 7,000 Catholic children attend the public

#### THE BORUSSIA DISASTER. Arrival of Survivors at Baltimore.

BALTIMORE, Jan. 8.—The Italian barqu Baltimore, Jan. 8.—The Italian barque Giacomino which arrived this morning, brought the following passengers of the English steamer Borussia picked up at sea 250 miles off the Azores: Passengers—John S. Sullivan, Owen McCabe, Rossandro Gonzales, Gaeteno Salvato, Charles Dumfos. Crew—Wm. Southerland second engineer. J. F. Lawson Salvato, Charles Dumfos. Crew—Wm. Southerland, second engineer, J. F. Lawson, Bernard Gerretz, Wm. Fisher, Patrick Sara, John Callaghan, seaman, Immediately upon arrival the rescued reported to the British Consul for relief, as they are in a very destitute condition. They were all in an open boat and had suffered greatly.

#### WASHINGTON. International Money Orders.

Washington, Jan. 3.—During the last quarter, and especially during the last month, there has been a very remarkable increase in the amount of money transmitted from this country to Great Britain, Ireland and Germany through the international money order system. These remittances are made principally by the very poorest classes, as no order can exceed \$50, and the average does not exceed \$25 in amount. The increase seems to foreshadow still further augmentation at an early date of the classedy remidly increasing volume of the already rapidly THE UTES.

Washington, Jan. 3.—Ex-Gov. Hunt of Colorado, now here, has received the following

telegram:

"ADAMOSA, Col., Jah. 2.

Gen. Hatch left Lake City this morning with Jack Sowarick, Ouray, Joheta, Uncle Sam and nine other Uncompahgre Utes, also Douglas and a few prisoners; Buckskin Charlie and one other Southern Ute all coming its Sourage. via Saguache. Signed by ALVA ADAMS.

Washington, Jan. 4.—Secretary Schurz received the following to-day from Gen. Hatch:
Alamosa, Col., Jan. 3. ALAMOSA, Col., Jan. 3.

The White River Utes who were with Ouray on the 24th ult. are not in his power neither have they been since the 26th. The Indians sent out by way of Saguache are Ouray and Wash Charlie, Uncompahgress, Jack Somerwick and Uncle Sam Charlie, White River Utes, and Coputche Camatche Alexandre, Wimmanacha, Aquila and Buckskin Charlie of the muaches. They are expected here on the 5th. Ouray was requested to keep the Indians you refer to but had not the power. I am of the opinion that the Indians when assured by yovrself that there is no other way to avoid destruction will decide to turn over the prisoners. The promise made by them that they would turn over those demanded should be insisted upon to the last man. As long as these Indians are on our hands the agency at Los Pinos is secure. Ouray came out at his Los Pinos is secure. Ouray came out at his own request and brought his wife with him. I think it advisable to have them all' before you at Washington or such point as you may designate.

The Indians referred to in this despatch whom Ouray could not bring with him are Chief Douglas, his son and four others. These

Wholesale Body Snatching. RICHMOND, Va., Jan. 4.—Ghouls have been exhuming dead bodies by the wholesale from Oakwood cemetery in the eastern fuburb. Over 40 bodies have been stolen since the cool weather set in and are supposed to have been shipped to medical institutions in different parts of the country. Nearly all the exhumed corpses are supposed to have been of colored people, though several may have been white.

Boston, Jan. 3.—Bishop Gilbert Haven of the Methodist Episcopal church died to-night. EUROPE

CONSTATINOPLE, Jan. 4.—Telegrams from British consuls ssate that a terrible famine prevails in the districts of Baskaleh and Bayazid in Armenia. The authorities are helpless to aid the people and it is feared that the famine will become general on the eastern frontier of Turkey. rontier of Turkey.

Richard Wagner Dying. London, Jan. 3.—Little hope is entertained of the recovery of Richard Wagner.

## AFRICA.

The Transvaal Troubles. The Transvaal Troubles.

London, Jan. 3.—A despatch dated Cape Town, Dec. 16 says: Sir Garnet Wolseley has telegraphed Frere, Governor of the Cape, not to believe the alarming reports from the Transvaal. He says there was great want of unanimity among the Boers at their recent meeting, at which a resolution was adopted in favor of maintaining the demand for the independence of the Transvaal.

## FINANCIAL AND COMMERCIAL

PORTLAND, Jan. 3. The following are to-day's quotations of Flour,

Flour.	Grain.
Superfine 5 25@5 75	Yellow Corn,
Extra Spring 6 25@6 50	car lots 6
XX Spring7 25@7 50	H. M. " 60
Patent Spring	Oats, " 53@
Wheats9 50@9 75	
Michigan Win-	Mids @24
Michigan Wills	
ter best7 50@7 75	out it out
Low Grade	
Michigan6 25@6 75	Oats, Dog
St. Louis Win-	DIMI, "
ter good7 50@7 75	Mid'ngs, " @21
W nter fair 6 75@7 00	Trye, 1
Winter best 8 00@8 25	4
Produce.	Provisions.
Turkeys 16@18	Mess Beef10 50@11
Chickens 12@14	Ex Mess11 75@12
Fowl 8010	Plate12 00@12
Foras @23	Ex Plate12 75@13
Eggs	Pork-
New " bbl. 1 50@	Backs16 75@17
Tuick notatoes	Clear 15 75@16
111SH POTATOOS, 40@450	Mess 14 50 a 15
ear lots 40@45c Onions, \$\rightarrow\$ bbl.3 50@3 75	Hams 914 @ 15
Hog crate2 00@2 25	Lard.
Rounds 5@6	Tub, P 16 81/2@
	Tierees, lb P83/8@
Cheese.	Pail 10 @10
Maine 11@14	
Vermont 12@14	Kegs
N. Y. Factory. 12@14	Beans.
Fruit	Pea2 20@2
Oranges.	Mediums 1 90@2
Palermos, Pbx 3 50@4 00	Yellow Eyes 2 15@2
Valencia. D case 12 00	Butter.
" Dox 600	Family, P Ib 27@
Lemons.	Store 17@
Messina4 00@4 50	Apples.
Pale mos 4 75@4 25	Green 1 50@2
Nuts.	Dried Western 4@
Peanuts-	do Eastern. 5@
Wilmington.1 60@1 70	Bugar.
Virginia1 50@1 62	Granulated @10
Tennessee1 20@1 35	Extra C @
Castana, P lb 11@12c	Syrups @5
Walnuts, " 12@14c	Strabs @o
Pecan. "	A THE RESERVE TO SERVE THE RESERVE THE RES
-	The state of the s
MARKET THE PARTY OF THE PARTY O	The second secon

Mining Stocks sing prices at Portland Mining Exchange, Mansfield & Co., 67 Exchange street: Forest City. Eggemoggin. Sales at Boston to-day. 35 Blue Hill Mining Co...... 1 Bell Telephone Co.. PONCE, PR. Schr Grecian Bend-2274 shooks nd heads, 32,325 hoops. CARDENAS. Brig O B Stillman-3225 shook and leads, 1311 box shooks, 49,200 hoops.

Receipts of Maine Cenral.

PORTLAND, Jan. 3.
For Portland, 25 cars miscellaneous merchandis or connecting roads, 84 cars miscellaneous me

Daily Domestic Receipts.

By water conveyance—1000 bush Cornmeal to V. True & Co.

Boston Stock Market.

[Sales of the Broker's Board, Jan. 3.]

Second Board-First Call.

Bank Statement.

The banks now hold \$483,825 in excess of

WASHINGTON, Jan. 2.—The following is poutly of the public debt statement in poutly of December:

DEET BEARING NO INTEREST.
Old demand and legal tender

notes.... Certificates of deposit...

Fractional currency...... Gold and silver certificates...

Total eash in treasury.......
Debt less cash in treasury Jan.
1, 1880.....
Debt less cash in Treasury Dec.

terest que and unpaid......\$ bt on which interest has

Total.....\$ 207,983,903 92

AVAILABLE ASSETS

BONDS ISSUED TO THE PACIFIC RAILROAD COMPANIES, INTEREST PAYABLE IN LAWFUL MONEY.

New York Stock and Money Market.

NEW YORK, Jan. 3-P. M.-Money closed on all closed at 6 per cent. The bank statement was a ttle avorable, showing a moderate gain in the re-

ceased.
Interest thereon.
Gold and silver certificates.
U. S. notes held for redemption of certificates of deposit....
Cash balance available Jan. 1,

Cash in the treasury.....

Principal outstanding.
Interest accrued and not yet paid
Interest paid by United States.
Interest repaid by the transportation of mails, &c...
Balance of interest paid by the
United States.

Ullinois Central.

B. & Quiney.
hicago & Alton....

hicago & Alton preferred lew York Central.....

ake Shore..... Iichigan Central

Del. & Lackawa

Del. & Hudson...... Atlantic & Pacific Tel Central Pacific bonds. Union Pacific firsts....

Hartford & Erie 1st.

The Wool Market.

The Wool Market.

Boston, Jan. 3—[Reported for the Press].—The lollowing is a list of prices quoted this afternoon:
Ohio and Pennsylvania—Picklock, 54@55c;Choice XX at 50@53c; Fine X 49@50c; Medium 55@57c; Coarse 45@47c. Michigan—Extra and XX 48@50; Fine 47@48c; Medium 52@54c; Common 43@45c. Other Western—Fine and X 47@49c; Medium 52@54c; Common 43@45c; Pulled, Extra 40@50c; Superfine 45@60c; No 1 at 35@37c. Combing fleece 47@58; Fine delaine 48@55c; California 18@41c; Texts 25@37c; Canada pulled 45@50c; do Combing 47@48c;Smyrna, washed 18@27c; unwashed 12@16; Buenos Ayres 16@36c; Cape Good Hope 30@33c; Australian 45@50c; Donskoi 23@28c.

Domestic Markets

NEW YORK, Jan. 3—The market for Breadstusffs nd Provisions closed easy. COTTON—The market closed Wednesday at 12 9-6 for Middling uplands and 12 11-16c for middling rleans; sales for the past week have been 2300 ales on the spot and 305,600 bales for future de-

CHEESE—Brm; State factories 10½2@15½2; Western 9½@12¾4c.
WHISKEY—nominal at 1 15 ₱ gallon for Western.
CHICAGO, Jan. 3.—Wheat higher at 130¾ for January; 1315¼for February; 132½ for March; eash Wheat, No 2 at 130. Corn lower at 40 for January; 40½ for February. Oats lower at 35c for January; 35¾c for February; 40c for May.
Pork lower 13 42½ for January. Lard at 7 55 for January

January. St. Louis, Jan. 3.—Wheat is lower; No 2 Red at 1 36<sup>1</sup>/<sub>4</sub>: No 3 do at 1 25<sup>1</sup>/<sub>2</sub>. Corn 38<sup>1</sup>/<sub>4</sub>@38<sup>3</sup>/<sub>8</sub>e for

Feb. Oats 37c asked.

DETROIT, Jan. 3.—Wheat is easier; extra 1 3514;

No 1 White held at 1 35¼ for January; 1 39⅓ for February; 1 42¾ for March; May held 1 48; No 1 milling 1 31.

MILWAUKEE, Jan. 3.—Wheat dull at 1 29½ for January; 1 30¾ Feb.

Havana Market.

HAVANA, January 3.—Sugar—Little business the past week owing to the still reduced stocks. Only Centrifugals were fairly active and may be quoted to \$34 @10 reals gold for good test; stock in ware houses at Havana and Matanzas 19,000 boxes, 12,000 bags and 9000 hhds; exports for week 110 boxes, 3000 bags and 2500 hhds, including 478 boxes, 1200 bags and 2500 hhds to the United States.

States. Freights improving; loading at Havana to Fal mouth and orders 30 currency; loading at porth on north coast (outside ports) for United States \$\psi\$ hhd Sug = 7 300@3 25; per hhd Molasses at 200@2 25. Tobacco firm.

forthwestern preferre filwaukee & St. Paul

Public Debt Statement.

TOTAL DEBT

250,000,000 738,490,550 2,355,400

.\$1,786,686,850°00 23,686,697 89

14,000,000 00

10,245,000 00 15,674,363 78 21,050,010 00

(\$393,711,679 78 7.597 03

.2,016,049,722 83

4,251,217 96

15,408,751 50

2,691,718 97

14,691,925 26 997,658 83 21,050,010 00

10,245,000 00

158,307,590 86

207,983,903 92

64,623,512 00 1,938,705 36 43,712,450 58

13,520,474 19

30,191,976 39

NEW YORK, Jan. 3.—The following is the week-y Bank statement ending to-day:

First Call. 3,000 Eastern Railroad 4½s..

\$1,000 do.

19 Boston & Maine Railroad.

100 Eastern Railroad.

Sales at Auction.

30 Eastern Railroad.

\$4000 Bath City 6s, 1891.

100 Maine Central Railroad ....

Spanish gold at 236. Exchange flat; on United States 60 days gold 5% @614 prem; short sight do 7@7½ prem; London 16% @17¼ prem. European Markets. London, Jan. 3-12.30 P. M.-Consols at 97% for money and account. Iondon, Jan. 3—12.30 P. M.—American securities—United States bonds, atnew 5s, 106½; new 4½s at 109%; new 4s, 106½.

Liverpool, Jan. 3—12.30 P. M.—Cotton market active and firmer; Middling uplands at 6 15-16; orleans at 7 1-16d; sales 10,000 bales; for speculation and export 2,000; receipts 32,000, all America.

13; Winter Wheat 11 2@11 7; Spring Wheat 10 2@11 1; Californi average 10 8@11 7; club do 11 2@11 10; Corn at 5 8; Peas at 7. Provisions, &c., Pork 60; Beef at 82; Bacon 37 6@38 8; Cheese at 67 6. Tallow at 37 3, at Lor ion at 45. NOTICE.—"Congress" is one of the oldest and largest selling baking powders in the United States. It makes light doughnuts, dumplings, biscuits, cace. &c. &c. CONGRESS Yeast Powder and Slade's English Mustard received the award at Mechanics Fair, 1878. Always reliable, and the ladies' favorite.

MARRIAGES.

In this city, Dec. 25, at the residence of the bride's father, by Rev. T. D. Anderson, Jr., Frank Goudy and Miss Nellie A. Pike.
In Cumberland, Dec. 31, by Rev. T. S. Perry, Wm Emery of Gray and Mrs. Harriet C. R. Adams of Falmourh. In Yarmouth, Dec. 24, by Rev. F. W. Sanborn Albert M. Huston of Freeport and Miss Nellie Cam bell of Yarmouth.

In Yarmouth, Dec. 23, by Rev. J. Torrey, Benj. F.
Lunt of Oxford and Miss Etta M. Gooding of Yar mouth.
In Freeport, Dec. 24, by Rev. P. B. Wing, Joseph Mann, Jr., and Miss Emily A. Curtis, both of Free

## DEATHS.

In this city, Jan. 3d, Ambrose K. Shurtleff, 264 years, 4 months.

[Funeral Tuesday, at 10 o'clock A. M., fr' late residence, No. 82 Free street. Buria's venience of family.]

In this city, Jan. 3, Wm. Hammond, years. [Funeral services on Tuesday afternoon, at 2

o'clock. In Topsham, Dec. 30, Jonathan H. Hunter, age 59 years.
In Freeport, Dec. 27, Mrs. Nancy Dunning, aged 87 years 4 months.
In Bridgton, Dec. 24, Mr. Daniel Douglass, aged 9 years. In Bath, Jan. 2, Joseph B. Donnell, aged 28 year 2 months. In Chelsea, Mass., Jan. 2. Mrs. Ellen Talbot, wife of Arthur L. Ilsley, formerly of Portland.

SPECIAL NOTICES.

These extracts are unequalled for the toilet. Each odor is distinct, delicate and natural. They are put up in half-pint bottles, glass-stoppered, at \$1.50 each, or sold by the ounce for 20 cents. Among the

Ess. Bouquet, Frangipanni, Heliotrope, Jasmine, Jockey Club, my odors we have:
Ess. Bouquet,
Frangipanni,
Heliotrope,
Josep Club,
Musk.
New Mown Hay,
Oceau Spray,
Violette,
West End,
Wood Violet,
Viang-Via Ocean Spray, Wood Violet,

Ylang-Ylang.

The above extracts are equal, if not better, that
Lubin's or any imported, and are remarkably cheat
when we consider that each \$1.50 bottle contain
eight times as much as Lubin's, which ratails for \$1

GEO. C. FRYE, COR. CONGRESS & FRANKLIN STS. Akasa

is the best at its price in the city. For sale at

501 CONGRESS STREET. Open Twenty-Four Hours a Day.

Schlotterbeck's Drug Store,

FINANCIAL. State, City and Town Bonds

# little avorable, showing a moderate gain in the reserve. Sterling Exchange very quiet. We quote bankers asking rates, 60 days' bills, at 481 per £ (of \$4.8665 par value), and on demand, \$4.834, against \$481@48344 one week ago. Commercial bills at 47914@47914 gold. The following are to-day's closing quotations of Government securities: United States 6°s, 1881, reg. 10414 United States 6°s, 1881, coup. 10414 United States new 5°s, reg. 10224 United States new 5°s, reg. 10634 United States new 41½'s, coup. 10634 United States new 4½'s, coup. 1064 United States new 4½'s, coup. 10634 United States new 5°s, reg. 10644 United States new 5°s, SECURITIES BOUGHT AND SOLD.

SAMUEL HANSON Banker and Broke 194 MIDDLE STREET. H. N. PINKHAM,

Stock and Bond Broker No. 50 Exchange St., pas PORTLAND, ME. dim

ST. LOUIS, HANNIBAL & KEOKUK R. R. CO. First Mortgage 7 per cent. Bonds 1ssued at \$12,000 per mile of completed road; \$10,000 cash per mile already paid in on stock sub-

scriptions and expended in construction. Principal and interest payable in New York, coupons April and October. We offer a balance of \$500,000 of these bonds at 90 and interest, reserving the right to advance price

AMERMAN & BURWELL, Bankers,

NO. 16 BROAD ST., New York MONEY TO LOAN on life and endowmer surance policies; the same bought atreasonab nsurance policies; the same bought atreasonable rates. Address nollsndtf P.O. Box 1619, Portland, Me.

United States, State, City, Town and Railroad Bonds Bought and Sold by Woodbury & Moulton Cor. Middle & Exchange Sts.

# Look! Look!

Boots Gents' Hand Sewed Cloth Top Con-Gents' Hand Sewed Cloth Top Congress Boots
Gents' Wescott's Cf. Laced Boots
Gents' Wescott's Cf. Creedmore,
(Something New)
Gents' Eng Grain Laced Boots
Gents' Grain Boots
Ladies' Seamless Goat Boots, Four
Widths
Ladies' Seamless Kid Boots, Three
Widths
A few pairs of French Calf Cong. and
Button, of the best Newark make at cost toclose.
Heavy stock of Bubber, Kin and Calf close. Heavy stock of Rubber, Kip and Calf Boots at the lowest prices. Rubber and Leather repairing done at store.

## DAVIS & CARTLAND, 210 MIDDLE STREET.

Orleans; sales for the past week have been 2300 bales on the spot and 305,600 bales for future delivery.

FLOUR market shade easier; No 2 at 4 40@5 10; Supperfine Western and State at 5 50@5 85; common to good extra Western and State 6 00@6 25; good to choice do at 6 35@8 40; common to choice white Wheat Western extra at 7 00@8 50; common to good extra Ohio at 6 20@7 75; common to good extra Ohio at 6 20@7 75; common to choice extra St Louis at 6 15@8 20; Patent Minnesota extra at 7 25@8 00; choice to double extra 8 10 @9 15; City Mills extra for the West Indies at 6 75 @6 90; low grades extra 6100@6 10; Southern flour quiet; common to fair extra at 6 2@6 80; good to choice extra at 6 30@8 50; the sales for the week have been 53,000 bbls.

WHEAT—the market closed easy; No 2 Red Winter on spot 1 56@1 5614; January at 1 56@1 5642; sales for February 1 59; No 2 Chicago nominally at 1 47@1 49; No 2 Milwaukee at 1 47@1 49; sales No 1 White for January 1 52½@1 53; No 2 Spring for January 1 43@1 43; sales for the week have been 2,535,000 bush.

CORN—the market closed quiet and easy; No 2 on the spot at 62½@6234c; sales for the week have been 765,000 bush.

OATS—market closed quiet; No 1 Mixed. at 51½@52c; No 2 do 52c; No 2 do 51c; sales for the week 220,000 bush.

Pork—closed unsettled and fairly active for futures but quiet for cash lots; old mess on spot nominally 12 75; new do 13 75; 13 65 bid for new for January; 13 80 bid for February; 13 90 for March; sales for the week 1600 bbls on the spot, and 16, 250 bbls for future delivery.

Lard—closed quiet and barely stady; prime steam on spot 7 90; 7 90 bid for February; 39 10 for March; sales for the week 4000 tes on the spot and 29,000 tes for future delivery.

Lard—closed quiet and barely stady; prime steam on spot 7 90; 7 90 bid for February; 39 10 for March; sales for the week 4000 tes on the spot and 29,000 tes for future delivery.

Lard—closed quiet and barely stady; prime steam on spot 7 90; 7 90 bid for February; 39 10 for March; sales for the week 4000 tes on All Premiums at STATE FAIR, 1879. LAMSON,

# Artist Photographer, Opposite Falmouth Hotel,

PORTLAND, ME. Up one flight only.

T. H. MANSFIELD & CO., Maine and N. H. Mining Stocks, Office at 67 Exchange St., where they will buy and sell the above stock. Auction sales every Saturday at 10 a.m. Office hours 9 to 5. The patronage of all interested is respectfully solicited. Communications promptly attended to from this date.

Pertland, Me., Jan. 1, 1880. de27tf

VISITING CARDS, Wedding and Business Cards. WILLIAM S. LOWELL, ENGRAVER.
General Engraving promptly attended

191 Middle Street, PORTLAND, ME Notice.

PORTLAND BRIDGE will be closed to public travel for a few days, from Monday, Jan. 5, 1880, at 7 a. m., for the purpose of repairing the JACOB CLARK
LEANDER E. CRAM.
Portland, Jan. 2, 1880.
County Commissioners
of Cumberland Co.
ja3d1w

METEOROLOGICAL. WAR DEP'T, OFFICE CHIEF SIGNAL OFFICER, Washington, D. C., January 5, 1 A. M. BY TELEGRAPH

THE LIGHTNING STRIKES.

THE SUPREME COURT'S RE-PLY TO GOV. GARCELON.

Councillor Fogg's Law Receives a Severe Blow.

BANGOR, Me., Jan. 3, 1880.

To the Hon. Alonzo Garcelon, Governor of

dent provision.

Q.—Is a return signed by less than majority of the selectmen of a town or the aldermen of a town or the aldermen of its selectmen of a town or the aldermen of several selectments. a city valid within the requirements of same A.—To this question we answer, that, while a town may legally elect as many as seven selectmen, the well known practice is to elect only three, and, in such cases, a return, to be valid, must be signed by a majority of them, because by no possibility can a less number constitute a legal quorum; but the rule is otherwise with respect to the aldermen of cities. Most of our cities are required by law to have as many as seven aldermen, and none of them, we believe, has less than five. To constitute a quorum, it is only necessary to have a majority of the whole number present, and, when such a quorum is present, a majority of the quorum may do buisness. Supposing the number to be seven, four would constitute a legal quorum, and three being a majority of that quorum could legally act, although the fourth should refuse to join them, or should oppose their action. Consequently, if a return from a city having five or seven aldermen is signed by three of them, it may be a valid and legal return; because only four may have been present, and, in such a case, three (being a majority of those present) could legally act, although the fourth should oppose their action and refuse to join them. When such a return is laid before the Governor and Council they cannot know, and they have no right to assume, that the return is not valid. It is the duty of the aldermen to be session and examine the ward returns, compare and declare the votes, and of A.—To this question we answer, that, while

Q.—Is a return by the aldermen of a city which does not give the number of votes cast for each person voted for as a member of the Legislature, and does not show what persons were voted for as such member in any one of the several wards of such city, a valid return within the requirements of the same section?

A.—We are not sure that we comprehend the full scope of this question. Our answer will meet all of its supposed purposes. It is immaterial whether the aldermen returned to the Governor and Council the detailed vote of each ward separately, or whether they return-

CHARLES W. WALTON, WILLIAM G. BARROWS, CHARLES DANFORTH, JOHN A. PETERS, ARTEMAS LIBBEY,

EXCITED FUSIONISTS DE-

Col. William Dickey, member of the Legislature, says the decision of the court will have no effect upon the organization of the Legislature as the certificates have already been issued. This is understood to be the position Mr. Pillsbury will take in the Standard tomorrow. The more courageous say the opin-ion of the court is a farce and it will be replied to word for word. Three counted in members have already declared they will not partici-pate, and it is thought that the opinion will have an effect upon other certified members to the same and as there is not a single case of

not accept seats should the decision of the the court be against them.

he acted conscientiously and honestly. He had not not read the opinion carefully and could not give an opinion as to the result. Secretary of State Gove says he is not sufficiently familiar with law to say whether the Governor and The Democrats had a caucus last evening concerning a candidate for Speaker of the House, but came to no definite decision. It is

Council.

The answer to question five would entitle Vanceboro, in Washington county, to be counted, and would seat the Republican Representatives in that district and the Republican Senator wrongfully counted out in Wash-

The answer to question nine would restore the Republican Representative from the rejecting the return from New Sharon, Hersey, Webster and Lisbon and in acting at all in those cases without giving the notice and opportunity for hearing which the Republicans have steadily demanded This answer would seat two Republican Representatives. The answer to question twelve would give the Republican Representative from the Fairfield district the seat of which the Gov-

Gen. Hatch on His Way With a Lot of

signate. (Signed) Commissioner. Indians were offered for surrender, but Gen. Hatch declined to accept them unless the remaining guilty parties were also surrendered

Death of Bishop Haven.

Famine in Armenia.

Spring7 25@7 50	H. M. " 66
ent Spring	Oats. " 53@
heats9 50@9 75	Sacked Bran . 20
nigan Win-	Mids @24
best7 50@7 75	
Grade	Meal, " 60
ehigan 6 25@6 75	Oats. " 53@
ouis Win-	Bran, " 25
good7 50@7 75	Mid'ngs, " @25
ter fair 6 75@7 00	Rye, " 1
ter best8 00@8 25	
Produce.	Provisions.
kevs 16@18	Mess Beef10 50@11
kens 12@14	Ex Mess11 75@12
1 8@10	Plate12 00@12
a23	Ex Plate12 75@13
Potatoes 3 75@4 50	Pork-
" bbl. 1 50@	Backs16 75@17
potatoes,	Clear15 75@16
r lots 40@45c	Mess 14 50@15
ns 19 bbl. 3 50 a 3 75	Hams 91/2@12
crate2 00 a2 25	Lara.
nds 5@6	Tub, P 1b 81/2@ 8
Cheese.	Tierees, lb P 83/8@ 8
ne 11@14	Pail 10 @10
nont 12@14	Kegs
. Factory. 12@14	Beans.
Fruit	Pea2 20@2
Oranges.	Mediums 1 90@2
rmos, Pbx 3 50@4 00	Yellow Eyes 2 15@2
ncia. D case 12 00	Isuiter.
• ₽ box 6 00	Family, P b 27@